

shoulder member formed integrally with said bottom section [below said rim portion and in conjunction with said wall], wherein said horizontally oriented shoulder member extends flat across the area defined between said inner rim and said outer rim; and,

a means to secure said material constituting a drumming surface between said horizontally oriented planar upper member and said horizontally oriented planar lower member of said frame member.

Claim 17 (previously presented): The drumhead of Claim 1 wherein said frame member is square in shape.

Claim 18 (previously presented): The drumhead of Claim 1 wherein said frame member is rectangular in shape.

Claim 19 (previously presented): The drumhead of Claim 1 wherein said frame member is triangular in shape.

Remarks

Applicant acknowledges the rejection of Claim 16 under 35 U.S.C. §102(a) as being anticipated by Liao and the rejection of Claims 17 through 19 under 35 U.S.C. §103(a) as being unpatentable over Liao. The allowance of Claims 1 through 15 is also acknowledged.

Applicant respectfully disagrees with the grounds for rejection under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

Anticipation under 35 U.S.C. §102(b) requires that the prior art reference cited show each and every element claimed. Without this showing, anticipation does not exist. *General Elec. Co. v. U.S. Ct. Cl.*, (1978) 572 F.2d 745, 215 Ct. Cl. 636, 198 U.S.P.Q. 65. Claims 16 is rejected under 35 U.S.C. §102(b) as being anticipated by Liao. Applicant respectfully submits that the cited reference, Liao, fails to show each and every element claimed. Therefore, this grounds for rejection is clearly inappropriate.

Claim 16, as currently amended, recites “a generally horizontally oriented planar upper member and a generally horizontally oriented planar lower member parallel to and spaced apart from said horizontally oriented planar upper member....” Claim 16 also recites a material for constituting a drumming surface, said material for constituting a drumming surface having a rim portion, which extends into a generally vertically continuous side wall having a bottom section, and a horizontally oriented shoulder member formed integrally with said bottom section, wherein said horizontally oriented shoulder member extends flat across the area defined between said inner rim and said outer rim....” The upper member (4) and lower member (5) disclosed in Liao are each vertically oriented, with clearly no horizontal orientation of any portion of either such member. Further, the membrane (3), which appears to correspond with the drumming surface recited in Claim 16, is absent the “generally vertically continuous side wall” and the “shoulder member” recited in Claim 16. Accordingly, as Liao teaches neither the “generally horizontally oriented planar upper

and lower members" nor a vertical side wall or integral shoulder member, as recited in Claim 16, the cited prior art reference is absent at least three elements of Claim 16. Accordingly, the §102(b) rejection cannot stand, and it is respectfully requested that the rejection be withdrawn.

Claims 17 through 19 depend from Claim 1, which has already been allowed. Accordingly, it is respectfully requested that Claims 17 through 19 be allowed as well.

Thus, pending Claims 1 through 19 are now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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